

FEDERAL COMMUNICATIONS COMMISSION

445 12th Street SW
WASHINGTON DC 20554

MEDIA BUREAU
AUDIO DIVISION
TECHNICAL PROCESSING GROUP
APPLICATION STATUS: (202) 418-2730
HOME PAGE: <http://www.fcc.gov/mb/audio/>

PROCESSING ENGINEER: Dale Bickel
TELEPHONE: (202) 418-2700
FACSIMILE: (202) 418-1411
MAIL STOP: 2-B450
INTERNET ADDRESS: dale.bickel@fcc.gov

February 21, 2007

CSN International
3232 W. MacArthur Boulevard
Santa Ana, CA 92704

In re: KJCQ (FM), Quincy, CA
CSN International
Facility ID No. 124890
Application BPED-20061206ADX

Dear CSN:

The above captioned minor change application contains a request for waiver of Section 73.509 of the Commission's rules. Specifically, the application requests that KJCQ be allowed to accept "de minimis" prohibited contour overlap from the existing 100 dBu interfering contour of second-adjacent channel station KQNC, Quincy, CA within the proposed 60 dBu service contour of KJCQ.

Educational Information Corporation (WCPE), 6 FCC Rcd 2207 (1991) permits the staff to consider requests for waiver of Section 73.509 for second-adjacent channel noncommercial educational stations, "where the benefit of increased noncommercial educational service so heavily outweighs the potential for interference in very small areas." Waiver of the rule is not automatic: the applicant must provide sufficient justification to meet this criterion. Absent such information, "when faced with a choice between increased coverage with increased interference on one hand, and lesser but adequate coverage without prohibited interference on the other, the Commission favors the latter." 6 FCC Rcd at 2208, quoting from *Board of Education of the City of Atlanta (WABE-FM)*, 82 FCC 2d 125 (1980). Evidence supporting a request for waiver typically consists of computations of area and population gained within the proposed 60 dBu contour (as compared to the existing area and population), area and population within the opposite station's 100 dBu interfering contour, and discussion of any other factors that support grant of a waiver. The waiver request should also acknowledge that any future modifications by the opposite station (KQNC) would not be construed as a *per se* modification of KJCQ's license. Here, CSN has provided NO justification in support of its request for waiver. Consequently, waiver of Section 73.509 is not warranted, and the request for waiver IS DENIED.

Accordingly, application BPED-20061206ADX is unacceptable for filing and IS DISMISSED. Please note that we have not performed a complete analysis on this application which could reveal additional deficiencies that would preclude acceptance of the application. This dismissal does not preclude CSN from filing a new minor change construction permit application to remedy the deficiencies noted above.

Sincerely,



Dale E. Bickel
Senior Engineer
Audio Division
Media Bureau

cc: Lauren A. Colby
: Robert Moore